



17 MAR 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Michael L. Goldman  
Nixon Peabody  
Clinton Square  
P.O. Box 31051  
Rochester, New York 14603

In re Application of :  
KAWASAKI et al. :  
Application No. 10/088,972 :  
PCT No.: PCT/JP00/06512 : DECISION ON PETITION  
Int. Filing Date: 22 September 2000 :  
Priority Date: 24 September 1999 : UNDER 37 CFR 1.181  
Attorney Docket No.: 201487/1090 :  
For: HIGHLY EFFICIENT METHOD OF :  
GENOME SCANNING :

This is a response to applicants' "Petition to Withdraw Holding of Abandonment Pursuant to 37 CFR 1.181 and MPEP 711.03" dated 27 December 2002.

### BACKGROUND

On 22 September 2000, applicants filed international application PCT/JP00/06512 which claimed a priority date of 24 September 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 29 March 2001. A proper Demand was filed with the International Preliminary Examination Authority prior to the 19th month from the earliest claimed priority date. Accordingly, the thirty-month time period for submitting the requisite basic national fee in the United States of America was extended to expire 30 months from the priority date, 25 March 2002 (24 March 2002 was a Sunday).

On 25 March 2002, applicants filed a transmittal letter requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *inter alia*, the requisite basic national fee of \$890, a copy of the international application, and a preliminary amendment.

On 22 May 2002, the United States Designated/Elected Office mailed a Notification of Missing Requirements (PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge under 37 CFR 1.492(e). Furthermore, the Notification stated that the sequence listing was not in compliance with 37 CFR 1.821-1.825. The notification set a two-month time limit in which to respond.

On 27 November 2002, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT indicating that the application was

abandoned for failure to file a complete response to the Notification of Missing Requirements mailed 22 May 2002 within the time period set therein.

On 27 December 2002, applicant filed the present petition accompanied by: an executed declaration and power of attorney; a request for a five-month extension of time; a supplemental preliminary amendment; the sequence listing and sequence listing in computer readable form; and a check in the amount of \$1,960.

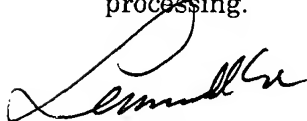
### DISCUSSION

The present petition which was accompanied: request for a five-month extension of time, executed declaration and power of attorney, sequence listing and sequence listing in computer readable form filed 27 December 2002 is a timely response to the Notification of Missing Requirements (PCT/DO/EO/905) dated 22 May 2002. Therefore, the Notification of Abandonment dated 27 November 2002 was mailed in error and is hereby VACATED.

### CONCLUSION

The Petition under 37 CFR 1.181 is GRANTED and the Notification of Abandonment dated 27 November 2002 is hereby VACATED.

This application is being returned to the United States/Elected Office for processing in accordance with this decision. The sequence listing and sequence listing in computer readable form has been forwarded to Scientific and Technical Information Center for further processing.



Leonard Smith  
PCT Legal Examiner  
PCT Legal Office



Anthony Smith  
Attorney-Advisor  
PCT Legal Office  
Telephone 703-308-6314  
Fax: 703-308-6459